

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) Docket no. 2:14-cv-00414-GZS
)
)
JEFFREY A. DENNER, both individually)
and as Trustee of The Words End Trust, et al.,)
)
)
Defendants.)
)

ORDER ON MOTION FOR SUMMARY JUDGMENT

Before the Court is Plaintiff's Motion for Summary Judgment (ECF No. 23). Defendant has failed to file any timely opposition to this Motion. However, the failure to respond does not allow the Court to "automatically grant a motion for summary judgment." NEPSK, Inc. v. Town of Houlton, 283 F.3d 1, 7 (1st Cir. 2002). Rather, the Court must make an independent determination that the moving party is entitled to judgment as a matter of law based on the undisputed material facts. Id. at 8.

Having reviewed the entire record, the Court considers the facts as asserted in Plaintiff's Statement of Material Facts (ECF No. 24) to be undisputed and properly supported by the record submitted. Fed. R. Civ. P. 56(e)(2). Based on these undisputed facts and for reasons adequately stated in Plaintiff's Memorandum (ECF No. 25), the Court finds that Plaintiff is entitled to a judgment as a matter of law. Fed. R. Civ. P. 56(e)(3).

Therefore, the Motion for Summary Judgment is GRANTED.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 10th day of November, 2015.